

REMARKS

Claims 1-33, 38, 39, 41-43, 48-53, 55, 59, 60, 62-64, 69 and 71 are cancelled. Claims 34-37, 40, 44-47, 54, 56-58, 61, and 65-68, and 70 remain in the application.

Claims 34, 35, and 54 are rejected for anticipation by US Patent 5,360,439 ("Dickerhoff"). That rejection is respectfully traversed for the following reasons.

Claim 34 is directed to a method to control airflow through an inflatable device having two or more inlet ports for admitting airflow. The method includes steps of "providing a plug", placing and retaining "the plug" in an inlet port, and introducing airflow through another port, with "the plug" restricting the egress of air from the plugged inlet port.

Claim 35 covers a warming apparatus with an inflatable cover, two inlet ports in the cover, and "a plug" removably received in at least one of the inlet ports. Claim 54 limits the inflatable cover of claim 35 to one for "transverse disposition" across a person's chest.

Dickerhoff discloses a warming blanket with multiple "resealable" inlets which may be closed by permanent seals or "by means such as an adhesive strip, double-sided tape, snaps, zippers, folding flaps, or a ziplock type seal." Dickerhoff's preferred embodiment for sealing the inlets is "hook and loop fastener strips." See Dickerhoff at col. 3, lines 13-20.

The contention in the Office Action is that the "snap used by Dickerhoff as a means for closing the port is understood by the Examiner to be a plug." The applicants respectfully disagree.

The term "plug" is not defined in the specification, and therefore must be given its plain meaning. In other words, "plug" must be read as it would be interpreted by one ordinarily skilled in the art. See MPEP 2111.01, page 2100-48. The term "plug" is defined in *Webster's New Collegiate Dictionary* (Merriam-Webster, 1974) as "a piece used to fill a hole: STOPPER". Similarly, the *McGraw-Hill Dictionary of Scientific and Technical Terms, Fifth Edition* (McGraw-Hill, 1994) defines a plug as "a piece of material used to fill a hole." This definition comports with the many inlet port plug embodiments taught in this application. In each case, the embodiment is an element used to fill a hole in an inlet port plug. See, for example, FIGs 2, 3, 11, 12, 15, and 16. In each case a hole in an inlet port is filled with a plug.

The question is whether the reasonably skilled artisan, with either of these definitions, would read Dickerhoff's "snap" as a "plug". The applicants submit that the artisan would not.

The "snaps" that Dickerhoff describes are used to initially close inlet ports so as to permit them to be opened and then "reclosed." See Dickerhoff at col. 3, lines 13-16. But the term "snaps" is not defined by Dickerhoff. Therefore, one must read this term in the same way as the

term “plug” is read: that is, as it would be interpreted by one ordinarily skilled in the art. In this regard *Webster’s* defines the term “snap” as “a catch or fastening that that closes or locks with a click.” The structure of a “snap” is suggested by definitions of a “snap fastener” found in both *Webster’s* and *McGraw Hill*. For example, *Webster’s* defines a snap fastener as “a metal fastener consisting essentially of a ball and socket attached to opposed parts of an article and used to hold meeting edges together.” These definitions correlate with the apparently sleeve-like construction of the inlet ports 30 and 40 in Dickerhoff. However, Dickerhoff does not provide any illustration of a “snap” closing or sealing either of the inlet ports 30, 40 with which to make a visual comparison with the many illustrations of plug embodiments in this application. Dickerhoff does not show any inlet port structure with a hole capable of being filled with a “plug”. Further, it is not apparent how the holes in the inlet ports of this patent application could be closed by “snapping.”

Accordingly, there is nothing in any of the plain meaning of the term “snap” or the term “snap-fastener” to indicate that the term “snaps” would, without more, encompass a “plug”. Neither is there anything in the plain meaning of the term “plug” to indicate that it would, without more, encompass a “snap”. Therefore the rejection of claims 34, 35, and 54 should be withdrawn.

Claims 35, 56, and 70 are rejected for obviousness over Dickerhoff in view of US Patent 5,304,213 (“Berke”). That rejection is respectfully traversed for the following reasons.

Dickerhoff discloses an inflatable warming blanket with sleeve-like inlet ports 30 and 40. From the description at col. 3, lines 36-41, the sleeves appear to be flexible tubes, much like the sleeves of a shirt, without any rigid or semi-rigid structural features. The way to close such a sleeve is by bringing edges of the end of the sleeve together and fastening them to each other by means of adhesive strip, double-sided tape, snaps, zippers, folding flaps, a ziplock type seal, or hook and loop fastener strips. Berke, on the other hand, discloses an inlet port constituted of a “semi-rigid” collar that ensures that the flexible walls of hyper-hypothermia blanket will not collapse or partially fold at the opening of the collar. See Berke at col. 5, lines 10-16. Clearly a semi-rigid collar with an opening cannot be closed or sealed by any of the means taught by Dickerhoff to close sleeve-like inlet ports.

Further, Berke discloses only one hyper-hypothermia blanket embodiment with two inlet ports. Each port is closed with a pull-seal label or a thin membrane. Neither has any means for re-closing once the label is pulled or the membrane broken. Resealing inlet ports is simply not a problem that Berke addresses, much less solves.

Accordingly, because of the inappropriateness of Dickerhoff's reclosing devices to Berke's inlet port structure, and because Berke does not recognize the problem of reclosing inlet ports, there is no suggestion to combine Berke with Dickerhoff.

How would the skilled craftsman visualize closing Berke's semi-rigid collar with Dickerhoff's adhesive strip, double-sided tape, snaps, zippers, folding flaps, a ziplock type seal, or hook and loop fastener strips? The only conceivable way in which any of Dickerhoff's fasteners will work in closing an inlet port is by having edges of the port brought together in order for closure of the port to occur. But Berke's inlet port design is constituted of a semi-rigid collar with an opening for receiving and supporting the end of an air hose. Such a collar is not intended to be folded in half upon itself. Accordingly, there is no reasonable prospect of success in the combination of Dickerhoff with Berke.

Finally, neither Dickerhoff nor Berke teaches or suggests "a plug" in an inlet port. As previously argued, the plain meaning of the term "snap" used by Dickerhoff does not encompass "a plug". Berke teaches only a pull seal label or a thin membrane to close an inlet port.

Accordingly, the combination of Berke with Dickerhoff does meet the requirements for *prima facie* obviousness with respect to claims 35, 56, and 70. See MPEP 2143 et seq.

Thus, in view of the remarks made in this paper, it is submitted that all of the claims remaining in the application define subject matter that is patentably distinguishable from the references of record, early notice of which is earnestly solicited.

Respectfully submitted,



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Date: May 10, 2004

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